

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

Civil Action No. 5:20-cv-396-FL

SIAVASH MOJARRAD, as) Administrator of THE ESTATE OF) SOHEIL ANTONIO MOJARRAD,) Plaintiff,) v.) WILLIAM BRETT EDWARDS, <i>in his</i>) <i>individual capacity</i> , and CITY OF) RALEIGH, NORTH CAROLINA.,) Defendants.)) DEFENDANT EDWARDS' MOTION FOR SUMMARY JUDGMENT
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COMES NOW the Defendant William Brent Edwards (“Defendant Edwards” by and through undersigned counsel pursuant to Rule 56 of the Federal Rules of Civil Procedure, and hereby moves the court for summary judgment in its favor as to all claims against him. For the reasons explained more fully in the Memorandum in Support of Defendant Edwards’ Motion for Summary Judgment filed contemporaneously herewith, there are no genuine issues of material fact and Defendant Edwards is entitled to judgment as a matter of law for the following reasons:

- 1) Defendant Edwards is entitled to qualified immunity as to the § 1983 claims against him in his individual capacity, as he used reasonable force under the circumstances, and because he did not violate any of Mojarrad’s clearly established rights;

- 2) Plaintiff's claims for negligence, wrongful death, and assault and battery against Defendant Edwards are subject to dismissal for the same reasons as the § 1983 claims against him, and because Defendant Edwards acted reasonably under the circumstances;
- 3) Defendant Edwards is entitled to public official immunity as to the negligence, wrongful death, and assault and battery claims against him, as there is no evidence to establish that he acted with malice, corruption, or outside the scope of his authority.

WHEREFORE, Defendants respectfully pray unto the Court that the Court grant the Defendant Edwards' Motion for Summary Judgment and enter an order directing that Plaintiff's claims be dismissed with prejudice.

This the 7th day of April, 2022.

HARTZOG LAW GROUP LLP

/s/ Dan M Hartzog, Jr.
DAN M HARTZOG, JR.
N.C. State Bar No. 35330
E-mail: dhartzogjr@hartzoglawgroup.com
KATIHERINE BARBER-JONES
N.C. State Bar No. 44197
E-mail: kbarber-jones@hartzoglawgroup.com
ANNA M. DAVIS
N.C. State Bar No. 41195
E-mail: adavis@hartzoglawgroup.com
MARIAN D. BURROUGHS
N.C. State Bar No. 55124
E-mail: tburroughs@hartzoglawgroup.com
2626 Glenwood Avenue, Suite 305
Raleigh, NC 27608
Telephone: (919) 670-0338
Facsimile: (919) 714-4635
Attorneys for Defendant William Brett Edwards

CERTIFICATE OF SERVICE

I hereby certify that on April 7, 2022, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send electronic notification to all registered CM/ECF participants.

This the 7th day of April, 2022.

HARTZOG LAW GROUP LLP

/s/ Dan M Hartzog, Jr.

DAN M HARTZOG, JR.

N.C. State Bar No. 35330

E-mail: dhartzogjr@hartzoglawgroup.com

KATIHERINE BARBER-JONES

N.C. State Bar No. 44197

E-mail: kbarber-jones@hartzoglawgroup.com

ANNA M. DAVIS

N.C. State Bar No. 41195

E-mail: adavis@hartzoglawgroup.com

MARIAN D. BURROUGHS

N.C. State Bar No. 55124

E-mail: tburroughs@hartzoglawgroup.com

2626 Glenwood Avenue, Suite 305

Raleigh, NC 27608

Telephone: (919) 670-0338

Facsimile: (919) 714-4635

Attorneys for Defendant William Brett Edwards